IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Civil Writ Petition No. 819 of 2005 (S/S)

Smt. Bebi Rani W/o Late Shyam Kumar
R/o Village Dargahapur
Tehsil Laksar
District Haridwar …Petitioner

Versus

1. State of Uttaranchal through Secretary
   Sugar Cane, Dehradun
2. Joint Commissioner, Cane and Sugar
   Uttaranchal Kashipur
   District Udham Singh Nagar
3. Assistant Cane Commissioner, Haridwar
   District Haridwar
4. State of U.P. through Secretary
   Sugar Cane, Lucknow
5. Director (S.K.) Karmik and Training Department
   Ministry of Pension and Public Complaint
   Lok Nayak Bhawan 3rd Floor Khan Market
   New Delhi
6. State Advisory Committee
   State of U.P., Lucknow …Respondents

Sri Lok Pal Singh, learned counsel for the petitioenr
Sri U.P.S. Negi, learned Additional Advocate General for the State
Ms. Beena Pande, learned standing counsel (U.P.) for the respondents

Hon'ble B.C. Kandpal, J.

By way of this writ petition, the petitioner has sought the direction in the nature of mandamus directing the respondents to decide the representation made by him contained as annexure 9 to this writ petition.

Brief facts giving rise to this writ petition are that the petitioner is a permanent resident of District Haridwar and a domicile certificate has also been issued by Up Zila Adhikari Laksar, District Haridwar in her favour on 28.04.2004.

The husband of the petitioner was posted at Dehradun on the post of Cane Supervisor at Doiwala and he died on 31.07.2000. Thereafter, the petitioner applied for appointment under the dying in harness rules and she was given appointment on compassionate ground on 16.10.2000. The

petitioner was appointed on the post of Junior Clerk and she is working on this post since 17.10.2000.

The petition further reveals that in the month of September 2000, the options were invited and the petitioner also submitted her option in favour of Uttaranchal State. In the year 2003, the respondents again invited the options from the employees, who are permanent resident of District Haridwar and the petitioner again exercised her option on 01.10.2003 in favour of State of Uttaranchal.

The petitioner has further averred in her writ petition that her name disappeared from the tentative list of optees of Uttaranchal State and she immediately again moved a representation before the respondent and respondent No. 3 i.e., Assistant Cane Commissioner, Haridwar recommended the name of the petitioner to join the list of optees. The petitioner has also stated in the writ petition that the petitioner made several representations for her option be considered for the State of Uttaranchal but all in vain and in the final list of allottees her name does not find place, hence this writ petition.

Heard learned counsel for the parties and perused the record.

The petitioner has filed the copy of certain representations moved by her before the respondents No. 2, 5 and 6 the copy of those representation have been filed along with the writ petition before this Court.

In case, if the final list ignoring the name of the petitioner has been prepared without taking into consideration the representation as well as options moved by the petitioner then, I think that the respondents No. 5 and 6 should decide the representation of the petitioner in the light of this aspect whether her option and the representation was considered before making the final list.

The writ petition is finally disposed of with the direction that the respondents No. 5 and 6 shall decide the representation of the petitioner within a period of 30 days from the date of filing the certified copy of the order passed by this Court by speaking and reasoned order, provided the

petitioner shall file the certified copy of the order passed by this Court within a period of 10 days before the authority concerned.

The respondents shall not relieve the petitioner till the disposal of the representation.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

24.06.2005
ASWAL